

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION.

CRIMINAL WRIT PETITION NO.968 OF 2005

Mohamad Javed @ Banti Nisar

Ahmad Ansari : Petitioner.

versus

The State of Maharashtra : Respondent.

Mr.B.G.Tangsali, Advocate appointed for the
petitioner.

Mr.V.B.Konde-Deshmukh, APP, for the State.

CORAM : D.G.DESHPANDE

V.K.TAHILRAMANI JJ.

DATED : MARCH 28, 2006.

P.C.

1. Heard. Rule, returnable forthwith.

2. This petition is filed by the
petitioner/accused for furlough leave. His
application was rejected by the Authorities on

the grounds that there is danger to the lives of complainant and witnesses and that only one surety was being offered by all the three accused for furlough leave and same could not be accepted. The learned APP points out to us that in the report of Chembur Police Station being No.411/2004 it is stated that when the accused was convicted, he threatened the witnesses in the Court. Conviction of the accused is dated 18.07.2001. More than five years have lapsed. We do not find that, that could be a reason for not granting furlough leave. However the objection that one surety for three persons cannot be accepted is valid. Therefore, upon petitioner/accused furnishing other surety, he be released on furlough leave as per the rules and conditions in accordance with law. The petitioner/accused will not enter the jurisdiction of Shivaji Nagar, Bombay Police Station during this period. Rule is made absolute. Petition is disposed of.

[D.G.DESHPANDE, J]

[V.K.TAHILRAMANI, J]